



**U.S. Department of Justice**

**Environment and Natural Resources Division**

BSG:AML  
DJ No. 90-11-3-1620/2

Environmental Enforcement Section  
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May 15, 2002

EPA Region 5 Records Ctr.

**VIA EMAIL, TELECOPY AND REGULAR MAIL**



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Re: United States v. Aeronca, Inc. et al.  
Civil Action No. 1:01 CV 00439  
Seeking to Utilize Sworn Testimony from ADR Process in Lieu of Noticing  
Depositions in this Action

Dear Counsel:

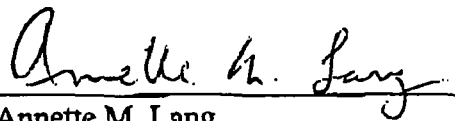
Michael O'Callaghan and I hereby formally request each of you to consent to the request set forth in this letter because it will reduce the costs, expenses, and burdens of this litigation on each of us. Specifically, the following individuals provided sworn testimony in the ADR process involving the Skinner Landfill:

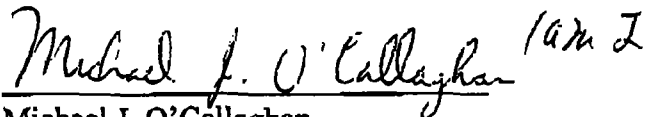
Elsa Skinner Morgan  
Ray Skinner  
William Blevins  
David Jividen  
Dexter Gregory  
Rodney Miller  
Gene Crow  
Maria Roy

Michael and I are fully prepared to notice these individuals for depositions in the above-referenced action, but we are also willing to forego these depositions and use the ADR transcripts of these individuals' testimony instead. We would agree not to utilize any portion of the transcripts not dealing with your clients. Obviously, such an approach would reduce the burdens of this litigation.

Please respond to Michael and me by no later than the close of business on May 22, 2002, and indicate whether or not you consent to this procedure. If each of you consents, we will ask Judge Weber to partially lift the Protective Order for this limited purpose.

Sincerely,

  
Annette M. Lang  
Trial Attorney

  
Michael J. O'Callaghan  
Shumaker, Loop & Kendrick, LLP  
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cc: Craig Melodia (via email)